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OFFICE OF PETITIONS

In re Application of :
Chung Hsien Hsin : DECISION ON PETITION
Application No. 10/621,963 : UNDER 37 C.F.R. §1.137(B)
Filed: July 16, 2003 :
Attorney Docket Number: 2011123 :
Title: IMAGE SENSOR AND METHOD :
FOR MANUFACTURING THE SAME :

This is a decision on the petition filed June 26, 2006, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The Office regrets the period of delay in issuing this decision.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed May 11, 2005, which set a shortened statutory period for reply of three months. On August

¹ A grantable petition pursuant to 37 C.F.R. §1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

2, 2005, Petitioner's representative attempted to submit a terminal disclaimer, but this submission was not accepted by the Examiner, as the attorney was not of record. Consequently, an advisory action was mailed on August 15, 2005. No further submissions were received, and no extensions of time under the provisions of 37 CFR \$1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 12, 2005.

On January 17, 2006, a petition pursuant to 37 C.F.R. \$1.181(a) was submitted, along with a Power of Attorney. The petition was dismissed via the mailing of a decision on April 21, 2006.

With the present petition, Petitioner's representative has met the first requirement of Rule \$1.137(b). The fourth requirement is not applicable.

Regarding the second requirement of Rule \$1.137(b), the terminal disclaimer which Petitioner's representative submitted on August 2, 2005 cannot be accepted. The terminal disclaimer names specific claims, and it fails to contain a reel and frame number (it does not appear that Petitioner's representative has filed a statement pursuant to Rule \$3.73(b)).

Regarding the third requirement of Rule \$1.137(b), Petitioner's representative has failed to include a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. \$1.137(b) was unintentional.

It follows that this petition must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. \$1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.137(b)". This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail², hand-delivery³, or facsimile⁴.

If responding by mail, Petitioner's representative is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included -

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

4 (571) 273-8300- please note this is a central facsimile number.

adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁵. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

⁵ Petitioner's representative will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner's representative is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner's representative.